

DECISION MEMORANDUM

TO: COMMISSIONER KEMPTON
COMMISSIONER SMITH
COMMISSIONER REDFORD
COMMISSION SECRETARY
COMMISSION STAFF
LEGAL

FROM: NEIL PRICE
DEPUTY ATTORNEY GENERAL

DATE: NOVEMBER 6, 2009

SUBJECT: APPLICATION OF ENTELEAGENT SOLUTIONS, INC. FOR A
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY, CASE
NO. ENT-T-09-01

On July 2, 2009, Enteleagent Solutions, Inc. (“Enteleagent” or “Company”) filed an Application for a Certificate of Public Convenience and Necessity, pursuant to Title 62 of the Idaho Code and IDAPA 31.01.01.111, to provide resold and facilities-based local exchange telecommunications services and intrastate interexchange telecommunications services. *Application* at 1.

On October 8, 2009, the Commission issued a Notice of Application and Notice of Modified Procedure. *See* Order No. 30915. Subsequently, Commission Staff was the only party to submit written comments within the established 21-day comment period.

THE APPLICATION

Enteleagent is a North Carolina corporation and lists its principal place of business as Charlotte, North Carolina. *Id.* at 2. Enteleagent is registered with the Idaho Secretary of State as a foreign limited liability company and lists Corporation Service Company, 1401 Shoreline Drive, Suite 2, Boise, Idaho 83702, as its Idaho registered agent for service. *Id.* Enteleagent has received authority to provide local and/or interexchange services in the following states: Alabama, Illinois, Kentucky, Massachusetts, Montana, Nebraska, New Hampshire, New Jersey, North Dakota, Ohio, Oregon, Rhode Island, South Dakota, Texas, Vermont, Washington, Wisconsin, Colorado, Florida, Iowa, Michigan, New Mexico, and Wyoming. *Id.* at 3.

Entelegent requests “authority to provide basic resold and facilities-based local exchange services throughout the state of Idaho. . . .” *Id.* at 1. Specifically, Entelegent proposes to offer these telecommunications services to “business customers.” *Id.* The Company “plans to offer service through UNE-P facilities and resale arrangements with incumbent local exchange carriers (“ILECs”).” *Id.* Entelegent explains that operated assisted and 911 emergency call services will be routed to and handled by the Company’s underlying carrier. *Id.*

As a UNE-P competitive local exchange carrier (“CLEC”), Entelegent will not construct any facilities within the State of Idaho or incur any additional capital expenditures in order to provide service within the state. *Id.* at 4. The Company will offer service in the geographic areas within Idaho that are currently being served by ILEC Qwest Corporation. *Id.* at 5. Entelegent states that it has reviewed the Commission rules applicable to CLECs and interexchange service providers operating in the State of Idaho and “agrees to comply with those rules except to the extent [that] any such rules are explicitly waived generically for carriers in the same class.” *Id.* at 6.

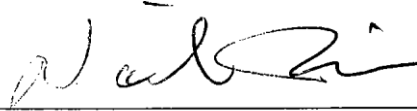
STAFF COMMENTS

Staff reviewed Entelegent’s Application and determined that the Company has complied with the requirements of Procedural Order No. 26665 and IDAPA 31.01.01.111 (Commission Procedural Rule 111). Staff believes that Entelegent possesses the requisite financial, managerial, and technical qualifications necessary to operate as a telecommunications provider within the State of Idaho. *See* Staff Comments at 2.

Based upon its review, Staff recommends that the Company be granted a CPCN subject to the following conditions: (1) compliance with the Number Pool Administrator and Order No. 30425 mandating number resource utilization forecast (NRUF) reporting requirements; (2) contribution to the Idaho Universal Service Fund, Idaho Telecommunications Relay System (TRS), Idaho Telephone Assistance Program (ITSAP) and any future reporting requirements deemed appropriate for competitive telecommunication providers; (3) filing a final and complete price list with the Commission containing all of its rates, terms and conditions; and (4) an agreement from the Company to relinquish its certificate and any telephone numbers if, within one year of the issuance of a CPCN, the Company is not offering local exchange telecommunications services in Idaho. *Id.* at 2-3.

COMMISSION DECISION

Does the Commission wish to approve Entelegent's Application for a Certificate of Public Convenience and Necessity?

A handwritten signature in black ink, appearing to read "Neil Price", is written above a horizontal line.

Neil Price
Deputy Attorney General

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